



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

OCT 26 2009

OFFICE OF
THE REGIONAL ADMINISTRATOR

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7001 0320 0004 7721 1342

Mr. Kelly Danielson
Landfill Superintendent
Butler County Landfill
3588 R Road
David City, Nebraska 68632

Re: CERCLA Off-Site Rule: Affirmative Determination of Acceptability for
the Butler County Landfill, David City, Nebraska

Dear Mr. Danielson:

This letter serves to inform you that the U.S. Environmental Protection Agency (EPA) has made an affirmative determination of acceptability for the receipt of off-site waste at the Butler County Landfill in David City, Nebraska (Butler County Landfill). Pursuant to Title 40 Code of Federal Regulations (40 CFR) Section 300.440(a)(4), EPA has completed an initial assessment of Butler County Landfill, and finds the facility acceptable for the receipt of off-site waste. Such off-site wastes are defined as wastes generated as a result of activities authorized or funded by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

On September 22, 1993, EPA amended the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), 40 CFR Part 300, by adding Section 300.440, now known as the Off-Site Rule. The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987, OSWER Directive (No. 9834.11), known as the Off-Site Policy. The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. The Off-Site Rule requires that prior to a facility's initial receipt of CERCLA waste, EPA shall determine if there are relevant releases or relevant violations at the facility.

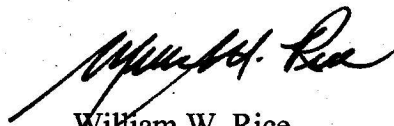
EPA corresponded with the Nebraska Department of Environmental Quality (NDEQ) to determine Butler County Landfill's compliance with Resources Conservation and Recovery Act (RCRA) and other applicable environmental standards. The results of the correspondence

indicate that Butler County Landfill is currently in compliance with RCRA and other applicable environmental standards. Therefore, effective upon receipt of this letter, Butler County Landfill is acceptable to receive CERCLA off-site waste at the facility described above. Should any new information affecting this determination develop, EPA reserves the right to revisit this decision.

By issuing this notice, EPA is in no way authorizing Butler County Landfill to undertake any waste management practice at this facility for which Butler County Landfill has not been previously authorized by EPA or NDEQ.

If you have any questions concerning this matter, please contact Deborah Finger, Regional Off-Site Contact, Region 7, at (913) 551-7164.

Sincerely,

A handwritten signature in dark ink, appearing to read "William W. Rice", is written over a horizontal line.

William W. Rice
Acting Regional Administrator

cc: Mr. Bill Gidley
Nebraska Department
of Environmental Quality